

NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number 04645.0562



In re Application of Takeuchi

Application Number 09/176,374

Filed 10/21/1998

For Wound Element Electrode Assembly Design For Use in  
Prismatic Case Electrochemical Cells

Group Art Unit 1745

Examiner T. Dove

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated October 30, 2000, rejecting the following claims: 1-19

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 310

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 08-2442. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant.
- ☐ assignee of record of the entire interest.
- ☒ attorney or agent of record.
- ☐ attorney or agent acting under 37 CFR 1.34(a).
- Registration number if acting under 37 CFR 1.34(a): \_\_\_\_\_

John M. Del Vecchio  
Signature

John M. Del Vecchio

Typed or printed name

January 26, 2001

Date

01/30/2001 JDD01 00000078 09176374

01 FC:119

310.00 00

## CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date January 26, 2001Janice Capuani

(Type or print name of person mailing paper)

Janice Capuani  
(Signature of person mailing paper)

**FEE TRANSMITTAL  
for FY 2000**

Patent Fees are subject to annual revision.

|                        |                  |
|------------------------|------------------|
| Application Number     | 09/176,374       |
| Filing Date            | October 21, 1998 |
| First Named Inventor   | Takeuchi         |
| Examiner Name          | T. Dove          |
| Group/Art Unit         | 1745             |
| Attorney Docket Number | 04645.0562       |

**TOTAL AMOUNT OF PAYMENT** (\$310)1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:**3. ADDITIONAL FEES**Deposit Account Number: 08-2442  
Deposit Account Name:  
Hodgson Russ LLP

| Large Fee Code      | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description  | Fee Paid     |
|---------------------|-----------------|----------------|-----------------|--|--------------|
| 105                 | 130             | 205            | 65              | Surcharge - late filing fee or oath  | \$           |
| 127                 | 50              | 227            | 25              | Surcharge - late provisional filing fee or cover sheet                     | \$           |
| 139                 | 130             | 139            | 130             | Non-English specification  | \$           |
| 147                 | 2,520           | 147            | 2,520           | For filing a request for reexamination                                     | \$           |
| 112                 | 920*            | 112            | 920*            | Requesting Publication of SIR prior to Examiner Action                     | \$           |
| 113                 | 1,840*          | 113            | 1,840*          | Requesting Publication of SIR after Examiner Action                        | \$           |
| 115                 | 110             | 215            | 55              | Extension for reply within first month                                     | \$           |
| 116                 | 390             | 216            | 195             | Extension for reply within second month                                    | \$           |
| 117                 | 890             | 217            | 445             | Extension for reply within third month                                     | \$           |
| 118                 | 1,390           | 218            | 695             | Extension for reply within fourth month                                    | \$           |
| 128                 | 1,890           | 228            | 945             | Extension for reply within fifth month                                     | \$           |
| 119                 | 310             | 219            | 155             | Notice of Appeal   | \$310        |
| 120                 | 310             | 220            | 155             | Filing a brief in support of an appeal                                     | \$           |
| 121                 | 270             | 221            | 135             | Request for oral hearing   | \$           |
| 138                 | 1,510           | 138            | 1,510           | Petition to institute a public use proceeding                              | \$           |
| 140                 | 110             | 240            | 55              | Petition to revive - unavoidable   | \$           |
| 141                 | 1,240           | 241            | 620             | Petition to revive - unintentional   | \$           |
| 142                 | 1,240           | 242            | 620             | 10 advance copies Utility issue fee (or reissue)                           | \$           |
| 143                 | 440             | 243            | 220             | Design issue fee   | \$           |
| 144                 | 600             | 244            | 300             | Plant issue fee  | \$           |
| 122                 | 130             | 122            | 130             | Petitions to the Commissioner  | \$           |
| 123                 | 50              | 123            | 50              | Petitions related to provisional applications                              | \$           |
| 126                 | 240             | 126            | 240             | Submission of Information Disclosure Statement                             | \$           |
| 581                 | 40              | 581            | 40              | Recording each patent assignment per property (times number of properties) | \$           |
| 146                 | 710             | 246            | 355             | Filing a submission after final rejection(37 CFR 1.129(a))                 | \$           |
| 149                 | 710             | 249            | 355             | For each additional invention to be examined (37 CFR 1.129(b))             | \$           |
| <b>SUBTOTAL (3)</b> |                 |                |                 |  | <b>\$310</b> |

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status. See 37 CFR 1.27.**2. Payment Enclosed:**☒ Check ☐ Credit Card ☐ Money Order ☐ Other**FEE CALCULATION****1. FILING FEE**

Large Entity Small Entity

| Fee Code            | Fee (\$) | Fee Code | Fee (\$) | Fee Description        | Fee Paid  |
|---------------------|----------|----------|----------|------------------------|-----------|
| 101                 | 710      | 201      | 355      | Utility filing fee     | \$        |
| 106                 | 320      | 206      | 160      | Design filing fee      | \$        |
| 107                 | 490      | 207      | 245      | Plant filing fee       | \$        |
| 108                 | 710      | 208      | 355      | Reissue filing fee     | \$        |
| 114                 | 150      | 214      | 75       | Provisional filing fee | \$        |
| <b>SUBTOTAL (1)</b> |          |          |          |                        | <b>\$</b> |

**2. EXTRA CLAIM FEES**

Extra Fee from Claims below

Fee Paid

Total Claims / / -20\*\* = / / x / / = \$

Independent Claims / / - 3\*\* = / / x / / = \$

Multiple dependent / / x / / = \$

Large Entity Small Entity

| Fee Code            | Fee (\$) | Fee Code | Fee (\$) | Fee Description   | Fee Paid  |
|---------------------|----------|----------|----------|---|-----------|
| 103                 | 18       | 203      | 9        | Claims in excess of 20                                    | \$        |
| 102                 | 80       | 202      | 40       | Independent claims in excess of 3                         | \$        |
| 104                 | 270      | 204      | 135      | Multiple dependent claim if not paid                      | \$        |
| 109                 | 80       | 209      | 40       | **Reissue independent claims over original patent         | \$        |
| 110                 | 18       | 210      | 9        | **Reissue claims in excess of 20 and over original patent | \$        |
| <b>SUBTOTAL (2)</b> |          |          |          |   | <b>\$</b> |

SIGNATURE: John M. Del Vecchio

John M. Del Vecchio, Reg. No. 42,475

DATE: January 26, 2001

Telephone: (716) 848-1644

\*Reduced by basic filing fee paid

**SUBTOTAL (3)****\$310**

I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 26, 2001.

Janice Capuani  
NameJanice Capuani  
SignatureJanuary 26, 2001  
Date of Signature